

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALFONSO RIVERA NIETO,

Petitioner,

v.

JOE DeCAMP,

Respondent.

3:12-cv-02115-SU

ORDER

Alfonso Rivera Nieto
9824470
Columbia River Correctional Institution
9111 NE Sunderland Avenue
Portland, OR 97211-1799

Pro Se Petitioner

HERNANDEZ, District Judge:

Magistrate Judge Patricia Sullivan issued a Findings and Recommendation (doc. #10) on March 21, 2013. The Magistrate Judge recommends the Petition for Writ of Habeas Corpus

(doc. #1) be dismissed with prejudice and that petitioner's motion for appointment of counsel (doc. #2) be denied.


This matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and rule 72(b) of the Federal Rules of Civil Procedure. Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record de novo. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (de novo review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles de novo, I find no error.

CONCLUSION

The Court ADOPTS the Magistrate Judge's Findings and Recommendation (doc. #10). Accordingly, the Petition for Writ of Habeas Corpus (doc. #10) is denied, and this case is dismissed with prejudice. I decline to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). Pending motions are denied as moot.

IT IS SO ORDERED.

DATED this 15 day of April, 2013.


MARCO A. HERNANDEZ
United States District Judge